

REMARKS

Claims 1-13 are now currently pending in the present application. Applicants respectfully request reconsideration of the outstanding rejection.

Discussion of Examiner's Advisory Action

In the Examiner's Advisory Action dated November 16, 2007, the Examiner noted that the amendment of claim 1 does not overcome the Yamakawa reference. However, Applicants respectfully submit that Yamakawa does not teach each and every limitation of the presently claimed invention, thus it cannot be a proper anticipatory reference within the meaning of 35 U.S.C. § 102(e). With regard to the application of Yamakawa as rendering the present claims obvious under 35 U.S.C. § 103, Applicants respectfully submit that the presently submitted **Declaration Under 37 C.F.R. § 1.132**, demonstrates superior and unexpected results. Evidence of unobvious or unexpected advantageous properties, such as superiority in a property the claimed compound shares with the prior art, can rebut *prima facie* obviousness. "Evidence that a compound is unexpectedly superior in one of a spectrum of common properties . . . can be enough to rebut a *prima facie* case of obviousness." *In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987).

Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections.

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated:

JAN 31 2008

Respectfully submitted,

By 

ATC

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Attachment: Executed Declaration of Shigeru FUJITA